

REMARKS/ARGUMENTS

Claims 1-33 were originally presented.

Claims 1, 2, 3, 6 and 7 are currently amended.

Claims 5, 9, 16, 23-24, and 30-31 are canceled without prejudice.

Claims 8-9, 15-16, 21-24 and 28-31 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,725,022 to Clayton et al. (hereinafter "Clayton") in view of Applicant's own admission as to prior art in the present specification.

Claims 1-4, 6-8, 10-15, 17-22, 25-29 and 32-33 remain in this application.

35 U.S.C. §112 second paragraph**Claims 8-9, 15-16, 21-24, and 28-31**

Claims 8-9, 15-16, 21-24 and 28-31 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office asserts that the pairs of claims 8, 9; 15, 16; 21, 23; 22, 24; 28, 30; and 29, 31 are identical in their wording and recitation. Applicant has canceled claims 9, 16, 23-24, and 30-31 without prejudice to obviate this rejection.

35 U.S.C. §103(a)**Claims 1-33**

Claims 1-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Clayton in view of Applicant's own admission as to prior art in the present specification. Applicant respectfully traverses the rejection.

Amended independent claim 1 recites:

An in-vehicle audio browser comprising:

a first set of buttons configured to select a preset item;

a second set of buttons configured to move forward and backward through a list of items;

a third button configured to select between a first list of items and a second list of items associated with the audio browser, wherein the first list comprises a first plurality of bands including primary audio control bands and the second list comprises a second plurality of bands including conditional audio control bands; and

1 a fourth button configured to activate a function that varies
2 depending on the selected band.
3

4 The combination of Clayton and the Applicant's own admission as to prior
5 art in the present specification fails to teach or suggest the apparatus of claim 1.

6 Claim 1, as amended, includes "a third button configured to select between
7 a first list of items and a second list of items associated with the audio browser,
8 wherein the first list comprises a plurality of bands including primary audio control
9 bands and the second list comprises a plurality of bands including conditional
10 audio control bands".

11 The Office relies on Clayton as teaching a set of channel selector buttons
12 162a configured to move forward and backward through a list of items. "The
13 channel selector 162 allows a user to manually access and select any of the audio
14 and information channels available by browsing through them (up, down, forward,
15 back) in a hierarchical tree". (Clayton, column 9, lines 17-21). "Under each major
16 channel category, there are preferably subcategories. To see these subdivisions,
17 the user would select the desired category by pressing the up or down button 162b
18 when the category desired is highlighted". (Clayton, column 9, lines 29-34).

19 Thus the channel selector buttons taught by Clayton enable a user to cycle
20 forward or backward through a single list of all possible choices of audio and
21 information channels accessible by the device, one channel at a time. The channel
22 selector buttons do not, however, allow a user "to select between a first list of
23 items and a second list of items associated with the audio browser, wherein the
24 first list comprises a plurality of bands including primary audio control bands and
25

1 the second list comprises a plurality of bands including conditional audio control
2 bands”.

3 The office concedes that Clayton does not teach a third button configured to
4 select among a plurality of bands associated with the audio browser. Applicant’s
5 own admission as to prior art in the present specification is cited for its teaching of
6 a selected band forming the basis for further selections among the content such as
7 AM, FM1, FM2, and CD that were typical in a car stereo at the time of the
8 Applicant’s invention.

9 Applicant’s own admission as to prior art in the present specification
10 provides no assistance in light of Clayton as to the recited apparatus of claim 1.
11 Rather it teaches “[a]fter selecting a particular band, the user selects a preset
12 button to select between radio stations (or CD in a CD changer) or tuning buttons
13 (seek and/or scan) to tune a particular radio station (or select a particular CD
14 track)”. (Page 1, lines 10-13). Since neither Clayton nor Applicant’s own
15 admissions as to prior art in the present specification teach “a third button
16 configured to select between a first list of items and a second list of items
17 associated with the audio browser, wherein the first list comprises a plurality of
18 bands including primary audio control bands and the second list comprises a
19 plurality of bands including conditional audio control bands”, it would not have
20 been obvious to combine the two references to arrive at the in-vehicle audio
21 browser disclosed in claim 1.

22 Accordingly, a combination of Clayton and Applicant’s own admissions as
23 to prior art in the present specification is improper. Applicants respectfully request
24 that the §103(a) rejection of claim 1 be withdrawn.
25

1 **Dependant claims 2-4, 6-8, and 10-12** depend from claim 1 and are
2 allowable by virtue of this dependence. Additionally, these claims include features
3 that, when taken together with those of claim 1, define apparatuses not taught or
4 suggested by the cited prior art.

5 Accordingly, a combination of Clayton and Applicant's own admissions as
6 to prior art in the present specification is improper. Applicants respectfully request
7 that the §103(a) rejection of claims 2-4, 6-8, and 10-12 be withdrawn.

8
9 Independent Claim 13 is rejected under 35 U.S.C. §103 as being
10 unpatentable over Clayton in view of Applicant's own admissions as to prior art in
11 the present specification. The combination of Clayton and Applicant's own
12 admissions as to prior art in the present specification fails to teach or suggest the
13 apparatus of claim 13.

14
15 **Independent claim 13** recites:

16 An in-vehicle audio browser comprising:

- 17 a first set of buttons configured to select a preset item;
18 a second button configured to select between a set of primary audio
19 control bands and a set of conditional audio control bands; and
20 a third button configured to select a band from the set of bands
21 selected by the second button.

22
23 The combination of Clayton and the Applicant's own admission as to prior
24 art in the present specification fails to teach or suggest the apparatus of claim 13.

25

1 Claim 13 includes "a second button configured to select between a set of
2 primary audio control bands and a set of conditional audio control bands".

3 The Office relies on Clayton as teaching a set of channel selector buttons
4 162a configured to move forward and backward through a list of items. "The
5 channel selector 162 allows a user to manually access and select any of the audio
6 and information channels available by browsing through them (up, down, forward,
7 back) in a hierarchical tree". (Clayton, column 9, lines 17-21). "Under each major
8 channel category, there are preferably subcategories. To see these subdivisions,
9 the user would select the desired category by pressing the up or down button 162b
10 when the category desired is highlighted". (Clayton, column 9, lines 29-34).

11 Thus the channel selector buttons taught by Clayton enable a user to cycle
12 forward or backward through a single list of all possible choices of audio and
13 information channels accessible by the device, one channel at a time. The channel
14 selector buttons do not, however, allow a user "to select between a set of primary
15 audio control bands and a set of conditional audio control bands".

16 The office concedes that Clayton does not teach a third button configured to
17 select among a plurality of bands associated with the audio browser. Applicant's
18 own admission as to prior art in the present specification is cited for its teaching of
19 a selected band forming the basis for further selections among the content such as
20 AM, FM1, FM2, and CD that were typical in a car stereo at the time of the
21 Applicant's invention.

22 Applicant's own admission as to prior art in the present specification
23 provides no assistance in light of Clayton as to the recited apparatus of claim 13.
24 Rather it teaches "[a]fter selecting a particular band, the user selects a preset
25 button to select between radio stations (or CD in a CD changer) or tuning buttons

1 (seek and/or scan) to tune a particular radio station (or select a particular CD
2 track)". (Page 1, lines 10-13). Since neither Clayton nor Applicant's own
3 admissions as to prior art in the present specification teach "a second button
4 configured to select between a set of primary audio control bands and a set of
5 conditional audio control bands", it would not have been obvious to combine the
6 two references to arrive at the in-vehicle audio browser disclosed in claim 13.

7 Accordingly, a combination of Clayton and Applicant's own admissions as
8 to prior art in the present specification is improper. Applicants respectfully request
9 that the §103(a) rejection of claim 13 be withdrawn.

10 **Dependant claims 14-15, and 17-18 depend from claim 13 and are**
11 **allowable by virtue of this dependence. Additionally, these claims include features**
12 **that, when taken together with those of claim 13, define apparatuses not taught or**
13 **suggested by the cited prior art.**

14 Accordingly, a combination of Clayton and Applicant's own admissions as
15 to prior art in the present specification is improper. Applicants respectfully request
16 that the §103(a) rejection of claims 14-15 and 17-18 be withdrawn.

17
18 Independent Claim 19 is rejected under 35 U.S.C. §103 as being
19 unpatentable over Clayton in view of Applicant's own admissions as to prior art in
20 the present specification. The combination of Clayton and Applicant's own
21 admissions as to prior art in the present specification fails to teach or suggest the
22 apparatus of claim 19.

23
24 **Independent claim 19 recites:**
25

1 A user interface for an in-vehicle audio browser, the user interface
2 comprising:

3 a source button to select between a set of primary audio control bands
4 and a set of conditional audio control bands;

5 a band button to select a band from the selected set of audio control
6 bands; and

7 a display device coupled to the band button for displaying the band
8 currently selected by the band button.

9
10 The combination of Clayton and the Applicant's own admission as to prior
11 art in the present specification fails to teach or suggest the apparatus of claim 19.

12 Claim 19 includes "a source button to select between a set of primary audio
13 control bands and a set of conditional audio control bands".

14 The Office relies on Clayton as teaching a set of channel selector buttons
15 162a configured to move forward and backward through a list of items. "The
16 channel selector 162 allows a user to manually access and select any of the audio
17 and information channels available by browsing through them (up, down, forward,
18 back) in a hierarchical tree". (Clayton, column 9, lines 17-21). "Under each major
19 channel category, there are preferably subcategories. To see these subdivisions,
20 the user would select the desired category by pressing the up or down button 162b
21 when the category desired is highlighted". (Clayton, column 9, lines 29-34).

22 Thus the channel selector buttons taught by Clayton enable a user to cycle
23 forward or backward through a single list of all possible choices of audio and
24 information channels accessible by the device, one channel at a time. The channel
25

1 selector buttons do not, however, allow a user "to select between a set of primary
2 audio control bands and a set of conditional audio control bands".

3 The Office concedes that Clayton does not teach a third button configured
4 to select among a plurality of bands associated with the audio browser.
5 Applicant's own admission as to prior art in the present specification is cited for its
6 teaching of a selected band forming the basis for further selections among the
7 content such as AM, FM1, FM2, and CD that were typical in a car stereo at the
8 time of the Applicant's invention.

9 Applicant's own admission as to prior art in the present specification
10 provides no assistance in light of Clayton as to the recited apparatus of claim 19.
11 Rather it teaches "[a]fter selecting a particular band, the user selects a preset
12 button to select between radio stations (or CD in a CD changer) or tuning buttons
13 (seek and/or scan) to tune a particular radio station (or select a particular CD
14 track)". (Page 1, lines 10-13). Since neither Clayton nor Applicant's own
15 admissions as to prior art in the present specification teach "a source button to
16 select between a set of primary audio control bands and a set of conditional audio
17 control bands", it would not have been obvious to combine the two references to
18 arrive at the in-vehicle audio browser disclosed in claim 19.

19 Accordingly, a combination of Clayton and Applicant's own admissions as
20 to prior art in the present specification is improper. Applicants respectfully request
21 that the §103(a) rejection of claim 19 be withdrawn.

22 **Dependant claims 20-22, and 25** depend from claim 19 and are allowable
23 by virtue of this dependence. Additionally, these claims include features that,
24 when taken together with those of claim 19, define apparatuses not taught or
25 suggested by the cited prior art.

1 Accordingly, a combination of Clayton and Applicant's own admissions as
2 to prior art in the present specification is improper. Applicants respectfully request
3 that the §103(a) rejection of claims 20-22 and 25 be withdrawn.
4

5 Independent Claim 26 is rejected under 35 U.S.C. §103 as being
6 unpatentable over Clayton in view of Applicant's own admissions as to prior art in
7 the present specification. The combination of Clayton and Applicant's own
8 admissions as to prior art in the present specification fails to teach or suggest the
9 apparatus of claim 26.
10

11 **Independent claim 26 recites:**

12 One or more computer-readable media having stored thereon a computer
13 program that, when executed by one or more processors, causes the one or more
14 processors to:

15 display a currently selected car radio band, wherein the car radio
16 supports a primary audio control band and a conditional audio control band;

17 changing the currently selected car radio band in response to
18 activation of a first car radio button; and

19 moving through a list of items associated with the currently selected
20 car radio band in response to activation of a second car radio button.
21

22 The combination of Clayton and the Applicant's own admission as to prior
23 art in the present specification fails to teach or suggest the apparatus of claim 26.
24
25

1 Claim 26 includes "a computer program that, when executed by one or
2 more processors, causes the one or more processors to: display a currently selected
3 car radio band, wherein the car radio supports a primary audio control band and a
4 conditional audio control band".

5 The Office relies on Clayton as teaching a set of channel selector buttons
6 162a configured to move forward and backward through a list of items. "The
7 channel selector 162 allows a user to manually access and select any of the audio
8 and information channels available by browsing through them (up, down, forward,
9 back) in a hierarchical tree". (Clayton, column 9, lines 17-21). "Under each major
10 channel category, there are preferably subcategories. To see these subdivisions,
11 the user would select the desired category by pressing the up or down button 162b
12 when the category desired is highlighted". (Clayton, column 9, lines 29-34).

13 Thus the channel selector buttons taught by Clayton enable a user to cycle
14 forward or backward through a single list of all possible choices of audio and
15 information channels accessible by the device, one channel at a time. Clayton does
16 not teach "a computer program that, when executed by one or more processors,
17 causes the one or more processors to: display a currently selected car radio band,
18 wherein the car radio supports a primary audio control band and a conditional
19 audio control band".

20 The office concedes that Clayton does not teach a third button configured to
21 select among a plurality of bands associated with the audio browser. Applicant's
22 own admission as to prior art in the present specification is cited for its teaching of
23 a selected band forming the basis for further selections among the content such as
24 AM, FM1, FM2, and CD that were typical in a car stereo at the time of the
25 Applicant's invention.

1 Applicant's own admissions as to prior art in the present specification
2 provide no assistance in light of Clayton as to the recited apparatus of claim 26.
3 Rather it teaches "[a]fter selecting a particular band, the user selects a preset
4 button to select between radio stations (or CD in a CD changer) or tuning buttons
5 (seek and/or scan) to tune a particular radio station (or select a particular CD
6 track)". (Page 1, lines 10-13). Since neither Clayton nor Applicant's own
7 admissions as to prior art in the present specification teach "a computer program
8 that, when executed by one or more processors, causes the one or more processors
9 to: display a currently selected car radio band, wherein the car radio supports a
10 primary audio control band and a conditional audio control band", it would not
11 have been obvious to combine the two references to arrive at the in-vehicle audio
12 browser disclosed in claim 26. Moreover, Applicant's own admissions as to prior
13 art in the present specification teach away from combination with Clayton, in that
14 they teach using a plurality of buttons, each corresponding to a set of unique
15 channels, instead of a hierarchical list as disclosed in Clayton.

16 Accordingly, a combination of Clayton and Applicant's own admissions as
17 to prior art in the present specification is improper. Applicants respectfully request
18 that the §103(a) rejection of claim 26 be withdrawn.

19 **Dependant claims 27-29, and 32-33 depend from claim 26 and are**
20 **allowable by virtue of this dependence. Additionally, these claims include features**
21 **that, when taken together with those of claim 26, define apparatuses not taught or**
22 **suggested by the cited prior art.**

23 Accordingly, a combination of Clayton and Applicant's own admissions as
24 to prior art in the present specification is improper. Applicants respectfully request
25 that the §103(a) rejection of claims 27-29 and 32-33 be withdrawn.

CONCLUSION

All pending claims 1-4, 6-8, 10-15, 17-22, 25-29 and 32-33 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the subject application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

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